

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 157

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO CONDOMINIUMS AND HOMEOWNER'S ASSOCIATIONS; AMENDING SECTION  
2 55-1528, IDAHO CODE, TO PROVIDE THAT CHARGING A FEE FOR ANY STATEMENT  
3 OF A UNIT OWNER IS A VIOLATION OF SPECIFIED LAW AND TO REMOVE A PROVI-  
4 SION REGARDING FEES CHARGED FOR PROVIDING A UNIT OWNER'S STATEMENT;  
5 AMENDING SECTION 55-3205, IDAHO CODE, TO PROVIDE THAT CHARGING A FEE FOR  
6 ANY STATEMENT OF A MEMBER'S ACCOUNT IS A VIOLATION OF SPECIFIED LAW AND  
7 TO REMOVE A PROVISION REGARDING FEES CHARGED FOR PROVIDING A MEMBER'S  
8 STATEMENT; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Section 55-1528, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13 55-1528. STATEMENT OF ACCOUNT -- DISCLOSURE OF FEES. (1) A management  
14 body or its agent shall provide a unit owner and the owner's agent, if any, a  
15 statement of the unit owner's account not more than five (5) business days  
16 after receipt of a request by the unit owner or the unit owner's agent re-  
17 ceived by the management body, the management body's manager, president,  
18 board member, or other agent, or any combination thereof. The statement of  
19 account shall include, at a minimum, the amount of annual charges against  
20 the unit, the date when said amounts are due, and any unpaid assessments or  
21 other charges due and owing from such owner at the time of the request. The  
22 management body shall be bound by the amounts set forth within such statement  
23 of account. Charging a fee for any statement of the unit owner's account  
24 required by this section is a violation of the Idaho consumer protection act,  
25 chapter 6, title 48, Idaho Code.

26 (2) On or before January 1 of each year, a management body or its agent  
27 shall provide unit owners a disclosure of fees that will be charged to a unit  
28 owner in connection with any transfer of ownership of a unit. Fees imposed  
29 by a management body for the calendar year following the disclosure of fees  
30 shall not exceed the amount set forth on the annual disclosure, and no sur-  
31 charge or additional fees shall be charged to any unit owner in connection  
32 with any transfer of ownership of the unit. ~~No fees may be charged for expeditiously providing a unit owner's statement of account as set forth in this~~  
33 ~~section.~~  
34

35 SECTION 2. That Section 55-3205, Idaho Code, be, and the same is hereby  
36 amended to read as follows:

37 55-3205. DISCLOSURE OF FEES AND FINANCIAL DISCLOSURES. (1) A home-  
38 owner's association or its agent must provide a member and the member's  
39 agent, if any, a statement of the member's account no more than five (5)  
40 business days after a request by the member or the member's agent is received

1 by the manager, president, board member, or other agent of the homeowner's  
2 association, or any combination thereof. The statement of account must in-  
3 clude, at a minimum, the amount of annual charges against the property, the  
4 date when said amounts are due, and any unpaid assessments or other charges  
5 due and owing from such member at the time of the request. The homeowner's  
6 association will be bound by the amounts set forth within the statement of  
7 account. Charging a fee for any statement of the member's account required  
8 by this section is a violation of the Idaho consumer protection act, chapter  
9 6, title 48, Idaho Code.

10 (2) On or before January 1 of each year, a homeowner's association or  
11 its agent must provide its members a disclosure of fees that will be charged  
12 to a member in connection with any transfer of ownership of his property.  
13 Fees imposed by a homeowner's association for the calendar year following  
14 the disclosure of fees may not exceed the amount set forth on the annual dis-  
15 closure, and no surcharge or additional fees may be charged to any member in  
16 connection with any transfer of ownership of his property. ~~No fees may be~~  
17 ~~charged for expeditiously providing a member's statement of account as set~~  
18 ~~forth in this section.~~

19 (3) A homeowner's association or its agent must provide a member and the  
20 member's agent, if any, an up-to-date financial disclosure no more than ten  
21 (10) business days after a request by the member or the member's agent is re-  
22 ceived by the manager, president, board member, or other agent of the home-  
23 owner's association, or any combination thereof.

24 (4) Within sixty (60) days of the close of the fiscal year, a home-  
25 owner's association or its agent must provide all members of the organi-  
26 zation, and the member's agent, if any, with an up-to-date and reconciled  
27 financial disclosure for the fiscal year.

28 SECTION 3. An emergency existing therefor, which emergency is hereby  
29 declared to exist, this act shall be in full force and effect on and after  
30 July 1, 2023.